

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 3655/0302PUS1
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  On _____  Signature _____  Typed or printed name _____	Application Number 10/674,515	Filed 30 Sep 2003
First Named Inventor LARSON		
Art Unit 2617	Examiner Karikari, Kwasi	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.		
This request is being filed with a notice of appeal.		
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.		
I am the		
<input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>/Scott T Wakeman #37750/</u> Signature <u>Scott T. Wakeman</u> Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37750</u>	<u>1,703,621,7140</u> Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.  Registration number if acting under 37 CFR 1.34. _____	<u>January 19, 2012</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		
<input type="checkbox"/> *Total of _____ forms are submitted.		

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): LARSON, Keith N.	Conf. No.: 4111
Application No.: 10/674,515	Art Unit: 2617
Filed: September 30, 2003	Examiner: Kwasi Karikari
Title: EMERGENCY NOTIFICATION SYSTEM USING PRESENCE, TRIANGULATION, AND WIRELESS TELEPHONY	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF REQUEST FOR PRE-APPEAL BRIEF REVIEW**

Sir:

This is the fourth Notice of Appeal to be filed in this application. The three prior Notices of Appeal resulted in the reopening of prosecution. The most recent panel review resulted in a final Office Action that substantially repeated two of the rejections from the previous appeal and that made new rejections using a new reference. After eight years of pendency, eleven Office Actions, and reopening prosecution three times, it is respectfully submitted that all claims are either in condition for allowance or ready for review by the Board of Appeals. If prosecution is again reopened, Applicant will likely avail itself of the PTO's ombudsman program; preventing Applicant from having these rejections reviewed by the Board of Appeals is submitted to be a breakdown in the normal prosecution process. Reconsideration and allowance of all claims is earnestly solicited in view of the following remarks.

REPEATED REJECTIONS IN FINAL OFFICE ACTION

The examiner has repeated the rejection of claims 15 and 17 under 35 U.S.C. 112, first paragraph, that was the subject of the previous Notice of Appeal. The final Office Action contains additional comments regarding these claims, but they do not support the rejection. Applicant maintains that claims 15 and 17 satisfy the requirements of 35 U.S.C. 112, first paragraph, Applicant maintains all previous arguments regarding this rejection from the last Statement in Support, and Applicant will address this issue further in an Appeal Brief if necessary.

The examiner has also repeated the rejections of claims 1-4, 7-11 and 14 under 35 U.S.C. 103(a), indicating that these claims are unpatentable over Graske in view of Hunter. The rejection is nearly word-for-word identical to the previously appealed rejection. The only apparent difference is a change in the reason for modifying Graske. Graske provides weather alerts to users but does not identify a destination or provide users with directions to the destination. The former reason for making Graske provide directions to a destination was for "providing useful information and managing resource in an efficient manner," which had nothing to do with the proposed modification. The new reason for modifying Graske is for "effectively managing communication between network entities," which also has nothing to do with the proposed modification. Neither of these statements constitutes a reason for adding the missing limitation: "identifying a destination and communicating to the user directions from his present location to the destination" to Graske. Nothing in the record suggest that Graske managed communication ineffectively or that the proposed modification would make the management of communication in Graske any more effective. This statement does not

constitute a proper reason for modifying Graske and does not support a *prima facie* case of obviousness. Applicant also maintains all arguments regarding claims 1-4, 7-11 and 14 from the previous Statement in Support.

Claims 7, 8 and 14 are submitted to be allowable for at least the same reasons as claim 1. All claims depending from these claims are submitted to be allowable at least because of their dependence from allowable base claims.

#### NEW REJECTIONS IN THE FINAL OFFICE ACTION

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graske in view of Root. Claim 5 recites, *inter alia*, a method for a cell phone service provider to communicate to a cell phone user an alert message. The examiner acknowledges that Graske does not satisfy the claim 5 limitation: “permitting the user to limit the frequency at which updates are provided to him.” Root is cited to address this deficiency. It is respectfully submitted that Root is no more relevant than the Hunter reference that was combined with Graske in a previous rejection of claim 5.

Root describes a weather advisory system with a user settable parameter that includes “... one or more time identifiers for identifying particular times or time intervals that a user may desire a weather product.... [0019]” The clear meaning of this language is that the user may identify time intervals during which the user wishes to receive information (see, e.g., paragraph 0008, describing the need for information during an afternoon softball game.) There is no basis for interpreting this language to mean intervals at which the user desires information as suggested in the Office Action. If Root’s system decides to send updates to a user once per second, the user in Root

has no way of limiting the frequency of these messages. He can merely set his device so that the messages are only received, for example, between 2:00 pm and 3:00 pm. Root does not allow a user to "limit the frequency at which updates are provided to him" and does not suggest modifying Graske to meet this limitation. Claim 5 is submitted to be allowable over Graske and Root for this reason and for the reasons provided in connection with the rejection based on Graske and Hunter in the previous Statement in Support.

Claims 12, 15 and 17 are submitted to be allowable for substantially the same reasons as claim 5.

Wherefore, reconsideration and allowance of all claims is earnestly solicited.

Respectfully submitted,

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